



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 30—Voluntary Placement Agreement

Title	Page
13 CSR 35-30.010 Voluntary Placement Agreement Solely for the Purpose of Accessing Mental Health Services and Treatment for Children Under Age Eighteen (18) ...3	3



**Title 13—DEPARTMENT OF
SOCIAL SERVICES**
Division 35—Children's Division
**Chapter 30—Voluntary Placement
Agreement**

**13 CSR 35-30.010 Voluntary Placement
Agreement Solely for the Purpose of
Accessing Mental Health Services and
Treatment for Children Under Age Eighteen (18)**

PURPOSE: This rule sets forth procedures to be followed to divert children from Children's Division (CD) legal custody when a parent is unable to access or afford clinically indicated mental health services for their child and the child otherwise is not the subject of parental abuse, neglect or abandonment.

(1) Parents or legal guardians (parents) who are considering relinquishing custody solely for the purpose of accessing clinically indicated mental health services for their child or who otherwise cannot afford such services shall be referred by the Children's Division (CD) or Juvenile Court to the Department of Mental Health (DMH) or their designee for an assessment of eligibility to enter into a Voluntary Placement Agreement (VPA).

(2) The Department of Social Services-Children's Division (DSS-CD) and the DMH shall develop protocol, policy and procedure to assess the level and extent of services needed for such children and to develop criteria for determining whether a child may be appropriate for a VPA in accordance with Chapter 536, RSMo.

(3) If DMH determines pursuant to the procedures, policies, and protocols as indicated in section (2) above, that the child requires services that cannot be provided in the home and the parent is currently unable to access or financially afford the clinically indicated care the child requires, the parent may enter into a VPA with the DSS-CD.

(A) A VPA means a written agreement between the DSS-CD and a parent, legal guardian, or custodian of a child under age eighteen (18) in need of out-of-home placement, solely because he/she is in need of mental health treatment and services.

(B) A VPA developed following a DMH assessment and certification of appropriateness authorizes the DSS-CD to administer the placement and care of a child while the parent, legal guardian, or custodian of the child retains legal custody.

(4) The DSS-CD will authorize the DMH to place the child, administer the placement, and provide care and treatment for the child while he/she is under the Voluntary Placement Agreement.

(5) The DMH shall ensure that a child's placement, under the VPA, shall be in the most appropriate and least restrictive environment available for the shortest period of time as clinically indicated.

(6) The VPA shall be effective the date the child is placed. Voluntary Placement Agreements may be for as short a period as the parties may agree in the best interests of the child but under no circumstances shall the total period of time that a child shall remain in care under a VPA exceed one hundred eighty (180) days. Subsequent agreements may be entered into, but the total period of placement of the child under a single VPA or a series of VPAs shall not exceed one hundred eighty (180) days without the express authorization of the director of the Children's Division or his/her designee.

(7) The parents, DMH and DSS-CD shall hold a family support team meeting to develop a permanency/treatment plan for the child either prior to or within seventy-two (72) hours of the date of placement of the child pursuant to a VPA. The permanency/treatment plan shall be completed and in place no later than sixty (60) days from the date that the child is placed according to the agreement.

(8) The parents, the DSS-CD and DMH shall hold a family support team meeting no later than one hundred (100) days from the date that the child is placed pursuant to a VPA to determine whether:

(A) The parties have exercised reasonable efforts to finalize the permanency plan; and

(B) Whether it is in the best interests of the child to either terminate the VPA and reunite the child with the child's parents or whether it is in the best interests of the child to continue the child in care beyond the expiration date of the VPA.

(9) The DSS-CD shall maintain responsibility for compliance with all Federal Title IV-E requirements. All Voluntary Placement Agreements shall be consistent with the requirements of sections 210.108 and 210.710, RSMo and Title IV-E of the Social Security Act and its implementing regulations, including, but not limited to 42 U.S.C. section 672.

(10) DMH shall develop and submit to DSS-CD at prescribed intervals a report of services provided to any child served under a VPA. Such report shall include any information identified by DSS-CD as required for federal reporting purposes.

(11) The VPA may be terminated by the DSS-CD upon ten (10) days written notice to the parties.

(12) The parent(s) may terminate the VPA for any reason at any time by providing either oral or written notification to DSS-CD. Upon receipt of such notice the VPA shall immediately terminate and the child shall be returned to the legal and physical custody of the parents.

(13) All VPAs shall be in writing and shall be on a form approved by the DSS-CD in consultation with the DMH.

AUTHORITY: section 210.108, RSMo Supp. 2004. Emergency rule filed Dec. 23, 2004, effective Jan. 2, 2005, expired June 30, 2005. Original rule filed Dec. 23, 2004, effective June 30, 2005.*

**Original authority: 210.108, RSMo 2004.*